

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 Honorable James L. Robart  
11

12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
14

15 VANESSA SIMMONDS,  
16

17 Plaintiff,  
18

19 v.  
20

21 CREDIT SUISSE SECURITIES (USA)  
22 LLC, a Delaware limited liability  
23 company,  
24

25 BANK OF AMERICA  
26 CORPORATION, a Delaware  
27 corporation,  
28

29 and  
30

32 ROBERTSON STEPHENS, INC., a  
33 Massachusetts corporation,  
34

35 Defendants,  
36

37 and  
38

39 INFORMATICA CORPORATION, a  
40 Delaware corporation,  
41

42 Nominal Defendant.  
43

44 NO. C07-1581 JLR  
45

**PLAINTIFF'S NOTICE OF  
DISMISSAL**

PLAINTIFF'S NOTICE OF DISMISSAL – 1  
No. C07-1581 JLR

**GORDON TILDEN THOMAS & CORDELL LLP**  
1001 Fourth Avenue, Suite 4000  
Seattle, WA 98154  
Phone (206) 467-6477  
Fax (206) 467-6292

1 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby dismisses this  
2 action with prejudice as to the adequacy-of-the-pre-suit-demand issue under the  
3 standard articulated by the Ninth Circuit (*see Simmonds v. Credit Suisse Sec.*  
4  
5 *(USA) LLC*, 638 F.3d 1072, 1097 (9th Cir. 2011) (citing *In re Kauffman Mut. Fund*  
6  
7 *Actions*, 479 F.2d 257, 267 (1st Cir. 1973)), and without prejudice as to all other  
8 issues.

9  
10 DATED this 11th day of June, 2012.

11  
12  
13  
14  
15 **GORDON TILDEN THOMAS & CORDELL LLP**  
16 Attorneys for Plaintiff  
17  
18

19 By *s/Mark Wilner*  
20 Jeffrey I. Tilden, WSBA #12219  
21 Mark Wilner, WSBA #31550  
22 1001 Fourth Avenue, Suite 4000  
23 Seattle, Washington 98154  
24 Telephone: (206) 467-6477  
25 Facsimile: (206) 467-6292  
26 Email: [jtilden@gordontilden.com](mailto:jtilden@gordontilden.com)  
27 Email: [mwilner@gordontilden.com](mailto:mwilner@gordontilden.com)  
28  
29

30 **KELLER ROHRBACK L.L.P.**  
31 Attorneys for Plaintiff  
32  
33

34 By *s/Ian S. Birk*  
35 William C. Smart, WSBA #8192  
36 Ian S. Birk, WSBA #31431  
37 1201 Third Avenue, Suite 3200  
38 Seattle, WA 98101  
39 Telephone: (206) 623-1900  
40 Facsimile: (206) 467-6292  
41 Email: [wsmart@kellerrohrback.com](mailto:wsmart@kellerrohrback.com)  
42 Email: [ibirk@kellerrohrback.com](mailto:ibirk@kellerrohrback.com)  
43  
44  
45

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

<p><b>Counsel for Nominal Defendant Informatica Corporation:</b></p> <p>Barnes H. Ellis Molly M. Daily STOEL RIVES LLP</p> <p>E-Mail: <a href="mailto:bhellis@stoel.com">bhellis@stoel.com</a> E-Mail: <a href="mailto:mmdaily@stoel.com">mmdaily@stoel.com</a></p>	<p><b>Counsel for Defendants Credit Suisse Securities (USA) LLC, Bank of America Corporation and Robertson Stephens, Inc.:</b></p> <p>Christopher B. Wells Brian J. Meenaghan Ryan McBride LANE POWELL PC</p> <p>E-Mail: <a href="mailto:wellsc@lanepowell.com">wellsc@lanepowell.com</a></p> <p><a href="mailto:Meenaghanb@lanepowell.com">Meenaghanb@lanepowell.com</a> <a href="mailto:McBrideR@lanepowell.com">McBrideR@lanepowell.com</a></p>
<p><b>Counsel for Defendants Bank of America Corporation and Robertson Stephens, Inc.:</b></p> <p>Andrew J. Frackman* Brendan Dowd* Michael Berengarten* O'MELVENY &amp; MYERS LLP</p> <p>E-Mail: <a href="mailto:afrackman@omm.com">afrackman@omm.com</a> <a href="mailto:bdowd@omm.com">bdowd@omm.com</a> <a href="mailto:mberengarten@omm.com">mberengarten@omm.com</a></p>	<p><b>Counsel for Defendant Credit Suisse Securities (USA) LLC:</b></p> <p>Robert B. McCaw* Fraser L. Hunter* David Lesser* WILMER CUTLER PICKERING HALE &amp; DORR LLP</p> <p>E-Mail: <a href="mailto:Robert.mccaw@wilmerhale.com">Robert.mccaw@wilmerhale.com</a> <a href="mailto:Fraser.hunter@wilmerhale.com">Fraser.hunter@wilmerhale.com</a> <a href="mailto:David.lesser@wilmerhale.com">David.lesser@wilmerhale.com</a></p>

s/Mark Wilner

Mark Wilner, WSBA # 31550